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TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/782,539	RECEIVED CENTRAL FAX CENTER DEC 01 2005
	Filing Date	February 13, 2001	
	First Named Inventor	Daniele C. Brotto et al.	
	Art Unit	2838	
	Examiner Name	P. Tibbits	
Total Number of Pages in This Submission	8	Attorney Docket Number	TN-1379A

ENCLOSURES (check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/ Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Response to Office Action
Remarks 		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm	Black & Decker Inc.		
Signature			
Printed Name	Adan Ayala, Esq.		
Date	December 1, 2005	Reg. No.	38,373

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Signature			
Typed or printed name	Adan Ayala, Esq.	Date	December 1, 2005

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Serial No. 09/782,539

DEC 01 2005

Response to Off. Act. of Sept. 2, 2005

UTILITY PATENT

B&D No. TN-1379A

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Daniele C. BROTTTO et al.**

Serial No.: 09/782,539

Examiner: P. Tibbits

Filed: February 13, 2001

Group Art Unit: 2838

For: **POWER TOOL WITH MEANS FOR OBTAINING
PRODUCT USE INFORMATION**

Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO OFFICE ACTION

I, Adan Ayala, PTO Reg. No. 38,373, hereby certify that this
correspondence is being facsimile transmitted to the Patent and
Trademark Office Fax No. (571) 273-8300 on Dec - 1, 2005


Adan Ayala

Dear Sir:

This is in response to the Office Action mailed on September 2, 2005.

Claims 25-26 and 30-32 are pending in the present application.

The Examiner objected to the previous amendment for intruding new matter related to a third memory into the disclosure. In addition, the Examiner rejected Claims 25-26 and 30-32 under 35 USC § 112, first paragraph, for failing to comply with the written description requirement, as the original disclosure did not describe the third memory. These rejections are respectfully traversed.

Newly-included subject matter is not new matter if the subject matter was inherent to the disclosure. MPEP § 2163.07(a) (*citing In re Reynolds*, 443 F.2d 384, 170 USPQ 94 (CCPA 1971));